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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,300	07/05/2001	Achim Berthold	R00282US (#90568)	8251

28672 7590 04/10/2002

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EXAMINER

GOLLAMUDI, SHARMILA S

ART UNIT	PAPER NUMBER
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1616

DATE MAILED: 04/10/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claims 1-5 and 7 are included in the prosecution of this application.

Preliminary Amendment A on July 5, 2001 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kydonieus et al (5580573).

Kydonieus et al teach a temperature controlled polymeric device. The device is used for topical application (col. 3, lines 11-13 and claim 4). The device can be constructed in three types, one being a combined monolithic reservoir (Note Fig. 3). In this system a rate-controlling polymer encapsulates the active-polymer layer (col. 2, lines 56 to col. 3, line 5). The rate-controlling layer has a Tg in the range of 20 to 50 degrees. The non-rate controlling polymer containing the active agent has a low Tg. The polymeric components of the device have high molecular weights. (Note col. 3, lines 25-57).

Claims 1-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Chien et al (5023084).

Chien et al disclose a transdermal system containing a backing layer, a polymer layer, and an adhesive layer (Note example 8). The first layer contains an active agent

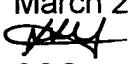
and polyacrylic adhesive (reservoir layer), the second layer contains polyisobutylene polymer (high molecular weight polymer), and the third layer contains polyacrylic adhesive and an active agent (example 8). Further, the example teaches laminating the polymer layers. The active agent is administered in a controlled manner (col. 10, lines 35-46). Chien et al teach the method of estrogen therapy by placing the system on the skin of a subject (Note claims).

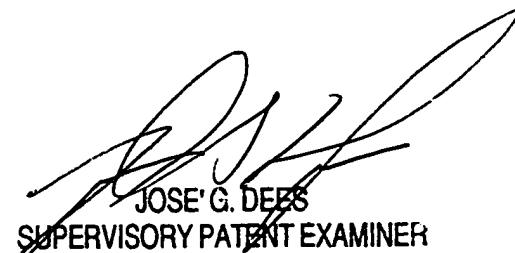
Conclusion

Any inquiry concerning this communication from the examiner should be directed to Sharmila S. Gollamudi whose telephone number is (703) 305-2147. The examiner can be normally reached M-F from 7:30 am to 4:15pm.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Jose Dees, can be reached at (703) 308-4628. The fax number for this organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, whose telephone number is (703) 308-1235.

March 25, 2002

SSG


JOSE G. DEES
SUPERVISORY PATENT EXAMINER


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